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Permanent Forum on Indigenous Issues
Second session
New York, 12-23 May 2003
Agenda item 4 (d)
Mandated areas: human rights

Chairperson's summary of discussion

Member States

1. The representative of Finland emphasized that the promotion and protection of the rights of indigenous peoples is one of the priorities of Finnish human rights policy. She further noted that Finnish international policies are guided by experiences at home and that, at the same time, national policies and legislation are influenced by international developments. She noted that Finland supports the draft Declaration on the Rights of Indigenous Peoples and encourages its adoption as originally drafted. She further noted the interconnection between the broad mandate of the Forum and world conferences, including the World Summit on Sustainable Development and the World Conference against Racism, and encouraged cross-fertilization of ideas. The representative of Norway called for the adoption of the draft Declaration before the end of the International Decade of the World's Indigenous People (2004), which would contribute substantively to the enjoyment of human rights for indigenous peoples. Nigeria voiced its support for the Forum, but clarified that Nigeria was striving to make democratic governance and human rights a reality for all Nigerians.

United Nations agencies

2. Mr. Miguel Alfonso Martinez, Chairperson of the Working Group on Indigenous Populations, discussed how the Permanent Forum and the Working Group on Indigenous Populations can best work together to promote and protect the rights of indigenous peoples. He drew attention to the report of the Working Group of 2002, which suggested future work and possible collaboration with other mechanisms.

3. Mrs. Erica-Irene A. Daes presented her ongoing study concerning the sovereignty of indigenous peoples over their natural resources. She noted that the United Nations has adopted over 80 resolutions concerning sovereignty over natural resources and stated her belief that the resolutions apply to indigenous peoples,

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since they are largely colonized peoples. She noted that resources were not freely and/or fairly given up.

4. Mr. Julian Burger, of the Office of the High Commissioner for Human Rights (OHCHR) discussed the OHCHR response to the recommendations of the report of the first session. Mr. Burger noted four points regarding the future work of the Forum:

(a) Policy development;

(b) The need to avoid duplication and to add value to the work of the Forum;

(c) Assistance with prioritization of indigenous issues;

(d) Long-term financing.

5. He further noted that currently there was no capacity within OHCHR to absorb new tasks and that Member States needed to consider the financial implications of recommendations arising from the Forum.

Indigenous peoples organizations

6. Many indigenous representatives stressed that human rights abuses impacted disproportionately on indigenous children and youth and indigenous women. It was further noted that violence and militarization of indigenous territories (lands and waters) was increasing and that this impacted severely on indigenous peoples. Some representatives asked that the unimplemented recommendations of the first report be repeated in the second report. The African Regional Indigenous Caucus noted with concern the deteriorating human rights situation of indigenous peoples in Africa caused by non-recognition of human rights, including rights to land and natural resources.

7. The representative of the International Coalition Against Racism discussed the outcomes of the World Conference against Racism and the issues of reparations and compensations during colonialism and slavery.

8. Some indigenous representatives drew attention to the worst forms of human rights atrocities visited upon indigenous peoples in various parts of Africa, including cannibalism, rape, torture and murder. He noted that the perpetrators were rarely punished and the victims seldom receive justice. A representative of the Pygmy peoples described the extreme poverty of her peoples and their disappearing environment.

9. Many indigenous representatives called for the draft Declaration on the Rights of Indigenous Peoples to be adopted unamended before the end of the International Decade of the World's Indigenous People.

Permanent Forum members

10. Mr. Kouevi responded to the presentations by OHCHR and stressed the importance of human rights. He noted grave human rights violations that have been brought to the attention of the members, in particular violations concerning the Kuna peoples of Panama and the Pygmy situation in the Democratic Republic of the Congo. Mr. Littlechild thanked Mr. Martinez and Ms. Daes for their many years of work for indigenous peoples and welcomed the approval of two seminars on treaties and the administration of justice. Mr. Matias Alonso emphasized the need for the

three mechanisms of the Permanent Forum, the Working Group on Indigenous Populations and the Special Rapporteur to work together, and also the need for adequate funding to support these bodies. He also raised the issue of how to work together to respond quickly to gross human rights violations. Mr. Choquehuanca expressed his support for human rights. Ms. Qin voiced her support for the Working Group on Indigenous Populations and noted the increasing international attention that this body had brought to indigenous human rights. She noted that the rights of indigenous peoples are still being developed, and further noted that indigenous rights needed to be balanced with other rights, including civil and political rights. Ms. Trask called for Mrs. Daes' research to be furthered and noted that her studies should be officially brought to the attention of the Economic and Social Council for action, including her study on cultural heritage. Ms. Trask noted the inactivity in the progress on the adoption of the draft Declaration on the Rights of Indigenous Peoples. Ms. Strogalschikova noted that the Declaration set out the standard for indigenous rights.

11. Mr. Kouevi summarized the human rights agenda item calling for indigenous peoples rights to be guaranteed under all the United Nations human rights mechanisms, and also noted the need for complementarity to be promoted through coordination by the Secretariat (for the Permanent Forum) of the other indigenous mechanisms, including the Working Group on Indigenous Populations, and the two special rapporteurs, including the Special Rapporteur on the situation of fundamental freedoms and human rights of indigenous people and the newly appointed Special Rapporteur on the permanent sovereignty of indigenous peoples over their natural resources. He further noted the importance of self-determination for indigenous peoples and especially concerning indigenous children and youth. He recalled two resolutions of the Commission on Human Rights (resolutions 2002/17 and 2003/55) and voiced support for the maintenance of the Working Group on Indigenous Populations, whose mandate remains different but complimentary to the mandate of the Permanent Forum. He noted calls by indigenous representatives for respect for treaties and other arrangements between States and indigenous peoples and for a world conference to discuss these issues (which also includes the issue of reparations and compensation for slavery and colonization). He recalled indigenous support for a second International Decade of the World's Indigenous People and also for a conference with the World Bank to establish a mechanism for dialogue with indigenous peoples on World Bank policies and programmes. Mr. Iwasawa welcomed the paper submitted by OHCHR (E/C.19/2003/CRP.5), which provided information on human rights treaty mechanisms, and called for a comprehensive study of that issue. He also applauded the involvement of the Council of Europe and noted its information paper, calling for engagement of other regional bodies with the Permanent Forum. Ms. Lux de Coti requested that States give due attention to the principle of self-determination and the protection of cultural heritage and the rights of "displaced persons".